

COPC No. 11 of 2005.

3.4.2008 Present: Mr. B.S.Verma, counsel for the petitioner.

Mr. Shrawan Dogra, counsel for
Respondents 1 to 3 & 5.

This contempt petition has been filed on the ground that the respondents have disobeyed the orders passed by this Court in Civil Revision No. 108 of 2003. To understand the controversy, it would be pertinent to reproduce the order dated 11.4.2003 passed in CR No. 108 of 2003 :-

“ Civil Revision No. 108 of 2003.

In compliance to the orders of this Court dated 16.9.2003, Tehsildar, Sundernagar, once again visited the spot in the presence of parties and restored encroached portion of khasra No.1264, as detailed in his earlier report, to the defendants-petitioners. Similarly, encroached portion of khasra No. 1265, shown by khasra No. 1265/1, was restored to the plaintiff. The structure of the defendants found on the encroached portion of the land of the plaintiff was also demolished. In view of this nothing survives in this revision petition.

The parties shall be bound by the demarcation and report of the Tehsildar, Sundernagar which shall form part of the order of this Court.

The revision petition is disposed of.”

A perusal of this order clearly shows that both the parties by mistake or otherwise had raised construction on the land of each other. Therefore, after the receipt of the demarcation

report pointing out this fact, both parties demolished the portion of the construction raised on the land belonging to the other party. The Court only directed that both the parties shall be bound by the demarcation which shall form part of the order. This only means that both the parties have no objection to the demarcation and shall not raise any challenge to the validity or correctness of the demarcation. In case, if any party feels that the other party has raised construction contrary to the demarcation, it shall obviously be at liberty to file a Civil Suit. There is no specific direction by the court and no violation of any direction is proved. There can be no disobedience of the order aforesaid. Therefore, the contempt proceedings are totally misconceived.

There is no merit in this contempt petition and the same is dismissed. Notice discharged.

April 3, 2008.

(Deepak Gupta), J.

s.

